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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights and freedom of religion in Egypt*

Jubilee Campaign, together with Christian Solidarity Worldwide (CSW),[1] seeks to draw the Council's attention to the situation of freedom of religion or belief (FoRB) in the Arab Republic of Egypt.

Introduction

The domestic legislative framework governing the right to FoRB is established in the Egyptian constitution, as it was accepted by referendum in January 2014 and enshrined in basic form in article 64: "*Freedom of belief is absolute. The freedom of practicing religious rituals and establishing places of worship for the followers of revealed religions is a right organised by law.*" The Arab Republic of Egypt also belongs to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Convention on the Rights of the Child (CRC) and the Convention on the Elimination of Discrimination against Women (CEDAW).

Current enjoyment of FoRB in the Arab Republic of Egypt is tenuous, with conditions varying in different regions. Since the election of Abdel-Fattah el-Sisi as President in 2014, the government has increased efforts to combat terrorist threats. While the Arab Republic of Egypt has experienced a significant rise in terrorist-related violence, particularly in the Sinai Peninsula, security concerns have increasingly served to justify restrictions on civil society. These restrictions specifically violate the rights to freedom of expression, association, and religion or belief. FoRB has been curtailed by individual arrests and convictions for "blasphemy, insulting Islam, contempt of religion, and related charges. Notable efforts target atheists in both physical spaces such as group meetings and digital spaces like social media.

Security measures and FoRB

With regards to the security situation since the ousting of former President Mohammad Morsi in July 2013, threats and acts of terrorism have increased across the country. This has been most concentrated in the Sinai Peninsula, where the jihadist group Anṣār Bayt al-Maqdis operates. The group recently pledged allegiance to the Islamic State in Iraq and Syria (ISIS). Terrorist incidents have also increased in Cairo, with regular bomb explosions targeting government, judicial, and security buildings.

This has led to heightened tensions and a general acceptance of a constant battle against terrorism. However, this situation has impaired citizens' right to freedom of expression and association.

In an effort to separate religion from radicalisation and political discourse, the new Law of Oration and Unified Friday sermon imposed by the Ministry of Religious Endowments (Awqaf) closed hundreds of small mosques and limited religious oration to Al-Azhar graduates who hold a permit from the Ministry of Religious Endowments. While state efforts to tackle radicalisation and politicisation in extremist preaching are welcomed and absolutely necessary, the unification of sermons undermines both freedom of expression and the freedom of religion or belief. It may also create a counter-culture of extremist doctrine, driving it underground making it more difficult to police. We would encourage the Egyptian Government and its religious institutions to implement a policy that effectively stamps out radicalisation and Islamism through extremist preaching while ensuring freedom of expression and freedom of religion or belief.

[1] Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.

In November 2014, with the absence of a Parliament, the Cabinet approved a draft anti-terror law giving blanket powers to ban groups on charges ranging from harming national unity to disrupting public order. State forces have made use of this legislation to target secular groups as well as Islamist opposition.

Restrictions of FoRB - Atheists

Legislation has formed part of broader pressure on secular groups and those with no religious belief. Writer Karam Saber has been sentenced to five years in prison for "contempt of religion" because his book, *Where is God?*, was judged to promote atheism. Cairo student Karim Ashraf Mohamed al-Banna was sentenced to three years in prison for insulting Islam by announcing on Facebook that he was an atheist. His arrest was part of an operation to close and demolish an "atheist café" in Abdeen, Cairo. The regional police chief remarked afterwards, "We have destroyed the café of the devil worshipers in Falaki Street for being illegal and for having a number of atheists spreading their thoughts".[2]

Dar al-Ifta, the Sunni foundation authorized to issue religious decisions, published that regional polling found exactly 866 atheists in the Arab Republic of Egypt. This questionably precise number suggests that atheists account for just 0.001% of the Egyptian population, which is estimated at 80 million[3]. This announcement was issued during the launch of a national campaign warning of the "dangers of Atheism" by the Ministry of Religious Endowments and by the Ministry of Sports and Youth. Nuamat Sati from the Ministry of Youth outlined the dual aims of the campaign: to "spread awareness concerning the dangers of atheism and how it creates a threat to society, and to treat this phenomenon by having a dialogue with atheists and giving them a chance to reconsider their decisions and go back to their religion".

Restrictions of FoRB – Contempt of religion cases

There are also numerous cases of sentences for contempt of religion or blasphemy. Although these are usually issued by courts outside of Cairo, there is a worrying trend of fines and prison sentences being handed to those judged guilty of religious defamation. In June 2014, Christian schoolteacher Demiana Emad Abdel Nour was fined EGP 100,000 and was sentenced to six months in jail without possibility of appeal for contempt of religion after presenting a comparison between religions during the ancient, middle and modern ages. Also in June 2014, Kerolos Shouky Attallah, a 29-year old Coptic Christian from Luxor, was sentenced to six years of imprisonment for blasphemy and contempt of religion when he "liked" a Facebook page by Christian converts from Islam. In November 2014, a 50-year old Sunni Muslim writer named Fatima Naoot posted a tweet criticising the annual ritual of sacrificing animals during the Eid Al Adha festival. She faces three years in prison for contempt of Islam, spreading sectarian strife, and disturbing public peace.

According to article 98 of the Egyptian Penal Code, "exploiting religion in spreading, either by words, in writing, or in any other means, extreme ideas for the purposes of inciting strife, ridiculing or insulting [the Abrahamic faiths] or a sect following it, or damaging national unity" is punishable with prison sentences between six months and five years and fines of 500-1,000 EGP. This article contradicts stipulations of Article 2 of the constitution. Moreover, according to General Comment 22 of the Human Rights Committee, "the fact that a religion is recognized as a state religion… shall not result in any impairment of the enjoyment of any of the rights under the [ICCPR]… nor in any discrimination against adherents to other religions or non-believers." We therefore recommend that the Arab Republic of Egypt amend article 98 of the Penal Code to ensure those of all or no beliefs enjoy the freedoms outlined in Article 2 of the constitution and continued in General Comment 22.

Conclusion and Recommendations

[2] Cairo Post, *Cafe destroyed in Abdeen to counter its 'Atheist' patrons*, December 2014
[3] UN Data 2012 - https://data.un.org/Search.aspx?q=egypt

The Egyptian Government has made progress in protecting religious minorities, especially concerning physical attacks by Islamist groups. President Sisi has also encouraged national unity through a number of speeches, most recently when he became the first Egyptian President to attend and address a Coptic Christmas mass, saying, "Let no one say 'What kind of Egyptian are you'. It is not right to call each other anything but Egyptians."

Jubilee Campaign and CSW welcome the Coptic Orthodox Church and Al-Azhar University's "Home of the Egyptian family" initiative and its valuable work to combat incitement to religious-based violence and discrimination, spreading a culture of tolerance. This also includes the "Home of the Egyptian Family" work to restore 46 churches that were damaged after the 30 June 2013 revolution.

However, in order to ensure that the Arab Republic of Egypt consistently upholds the rights of all its citizens under the constitution, we call on the authorities to:

1) Amend article 98 of the Penal Code to ensure those of all or no beliefs enjoy the freedoms outlined in Article 2 of the constitution and General Comment 22;

2) Along with relevant religious institutions, formulate and implement a policy that effectively stamps out radicalisation through extremist preaching while also ensuring freedom of expression and freedom of religion or belief;

3) Review all cases where prisoners are facing charges relating to blasphemy or "insulting religion", including a review of court practices and judges where these charges have been brought;

4) Proactively combat the culture of impunity by ensuring all crimes against any religious group, especially against religious minorities, are not tolerated and are thoroughly investigated;

5) Cease any state-sponsored initiative to promote any religion or belief system over another, including the programme addressing the dangers of atheism.

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